

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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DENNIS G. LIVINGSTON,

Plaintiff-Appellant,

v

KOPP MASONRY CONSTRUCTION  
COMPANY, INCORPORATED, STATE FARM  
FIRE & CASUALTY COMPANY, and  
SILICOSIS, DUST DISEASE & LOGGING  
INDUSTRY FUND,

Defendants-Appellees.

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UNPUBLISHED  
August 15, 2000

No. 202878  
WCAC  
LC No. 93-000572

AFTER REMAND

Before: O'Connell, P.J., and Gribbs and Smolenski, JJ.

O'CONNELL, P.J. (dissenting).

I respectfully dissent. From the current record, I am unable to determine if competent, material, and substantial evidence supported the magistrate's decision. The magistrate concluded that plaintiff's previous employment as a bricklayer did not cause or aggravate his pulmonary condition. The majority's view is that the record did not support the magistrate's conclusion and that reversal is required. Rather than reverse, I would remand to the magistrate for detailed findings of fact and an explanation regarding how he reached his conclusion.

/s/ Peter D. O'Connell